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FILED

MAY 16 2008

2008 MAY 27 PM 3:48

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

IN RE ERIC W. BURTON #F02720

CASE NO: 3:08-CV-00325-LAB (PDR) DEPUTY

ON FEDERAL HABEAS CORPUS,

DATE 5-13-08

PETITIONER

NOTICE OF MOTION AND MOTION TO;

VS.

RESERVE AN OBJECTION TO, IN

DIRECTOR OF THE CALIFORNIA

DEPARTMENT OF CORRECTIONS

AND REHABILITATION,

RESPONDENT

THE EVENT OF, THE UNNECESSARY USE OF DECLARATIONS,  
AND/OR REPORTER'S TRANSCRIPTS, AS

THEY ARE UNNECESSARY TO

RESOLVE THE ISSUES IN

THE MATTER OF ANY

PROCEEDING, APPEAL OR

OTHERWISE, PURSUANT TO

CIRCUIT RULE 30-1.2, FRAP 30(2) REQUEST FOR COURT

TO GIVE TIMELY NOTICE TO

ALL PARTIES INVOLVED IN  
THE INSTANT MATTER.

NOTICE IS HEREBY GIVEN: THE PETITIONER/APPELLANT ERIC W. BURTON #F02720  
AN UNCONSTITUTIONALLY INCARCERATED INDIGENT STATE PRISONER

AS SOON AS THE MATTER MAY BE HEARD RESERVES AN OBJECTION AGAINST

APPELLEE FOR ANY INTENDED USE OF ANY DECLARATIONS, REPORTER'S TRANSCRIPTS, AS

BEING UNNECESSARY TO THE RESOLUTION OF ISSUES OF PETITIONER'S

HABEAS CORPUS PETITION OR APPEAL THEREFROM, PETITIONER STIPULATES

TO THE PETITION IT'S SELF, AND INCORPORATES ALL GROUNDS, CONTENTIONS,

FACTS, AND ISSUES ALLEGED IN PETITION AND STIPULATES TO THE R. T.

EXCERPTS FILED AS ACCOMPANIED AND ATTACHED, AND REFERENCED

THEREBY AS BEING SUFFICE TO RESOLVE ANY ISSUE AT PRESENT TIME,

THE POWERS OF THE DISTRICT COURT ARE BROAD AND VAST, AND HAS THE JURISDICTION

TO GRANT THIS TIMELY RESERVED MOTION IN THE LIKELY EVENT OF

APPELEE'S ADVERSE ACTIONS OR MOTIONS FILED THERE OF AND THEREFROM.

I DECLARE UNDER THE LAWS OF PENALTY OF PERJURY AS GOVERNED BY THE  
UNITED STATES THAT THE FOREGOING IS TRUE AND CORRECT.  
SIGNED: ERIC W. BURTON #F02720  
ERIC W. BURTON DATED 5-13-08

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

I, ~~Eric W. Burton~~ <sup>Eric W. Burton</sup>, declare I am over  
18 years of age and a party to this action. I am a resident of ~~High Desert State Prison in the County of Kern~~ <sup>CSATF/SP - CI-119 CORCORAN,</sup>

~~of Lassen, State of California.~~ <sup>Everett</sup> My prison address is: P O Box 3030 SUSANVILLE,  
CA. 96127 <sup>93212</sup> ~~EVERETT~~

On 13 MAY 08 VIA PRISON LEGAL MAIL SYSTEM I served the attached:

RESERVED MOTION OF OBJECTION IN THE EVENT OF THE APPELLEE'S  
(ATTORNEY GENERAL'S) ATTEMPT TO USE UNNECESSARY REPORT'S TRANSCRIPT.

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with  
postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-  
named correctional institution in which I am presently confined. The envelope was addressed as  
follows: UNITED STATES DISTRICT COURT

SOUTHERN CALIFORNIA DISTRICT

I declare under penalty of perjury under the laws of the United States of America that the  
forgoing is true and correct.

Executed on 5-13-08  
(Date)

Eric W. Burton # FO2720  
(Declarant's Signature) ERIC W. BURTON